

ORDINANCE NO. _____

The City Attorney has prepared the following summary of Ordinance Number _____.

Ordinance number _____ provides that the city council may remove the city manager by a three-member vote, subject to certain notice provisions found in Calexico Municipal Code Sections 2.02.230 through 2.02.260. This ordinance changes the previous requirement to have a four-member vote of the city council for removal of the city manager.

A copy of the ordinance is available for review in the City Clerk's Office at City Hall located at 608 Heber Avenue, Calexico, California. This ordinance was introduced at the regularly scheduled City Council meeting of November 18, 2008. It is scheduled for adoption at the regular meeting of December 2, 2008.

CITY COUNCIL AGENDA REPORT

SUBJECT: AN ORDINANCE OF THE COUNCIL OF THE CITY OF CALEXICO AMENDING CHAPTER 2.02 "CITY MANAGER" OF THE CALEXICO MUNICIPAL CODE

AGENDA DATE: December 2, 2008

PREPARED BY: Jennifer M. Lyon, City Attorney

APPROVED FOR AGENDA BY: Requested by Mayor Pro Tem Ouzan pursuant to the City Agenda Policy.

RECOMMENDATION: Consider ordinance. If Council chooses, adopt ordinance by way of title only, waive full reading of the ordinance.

FISCAL IMPACT: None.

BACKGROUND INFORMATION: The Council of the City of Calexico adopted Ordinance 1020 in 2005 to require that the decision to remove the city manager from employment be made upon a 4-member vote. Previously, a 3-member vote had been required. The change in the Municipal Code in 2005 was based upon the specific request of then City Manager Marlene Best and a provision in her contract.

CURRENT DISCUSSION: Mayor Pro Tem Ouzan requested that this item be brought to the Council to consider whether the Municipal Code should be modified to require a 3-member vote, instead of a 4-member vote, to effect the removal of a city manager from City employment.

Attachment: Draft Ordinance

Ordinance No. _____

**AN ORDINANCE OF THE COUNCIL OF THE
CITY OF CALEXICO AMENDING CHAPTER 2.02 "CITY MANAGER" OF THE
CALEXICO MUNICIPAL CODE**

WHEREAS, the Council ("Council") of the City of Calexico adopted Ordinance 1020 in 2005 based upon the specific request of a city manager candidate and a provision in such city manager's contract; and

WHEREAS, such city manager is no longer employed by the City and the Council now wishes to amend Chapter 2.02 to allow for a regular majority vote of the Council to make the decision regarding the city manager's employment.

**NOW THEREFORE, THE COUNCIL OF THE CITY OF CALEXICO HEREBY
ORDAINS AS FOLLOWS:**

SECTION 1: Section 2.02.220 "Removal from office—Vote—Notice" shall be amended to read as follows:

~~"The removal of the city manager shall be only upon a minimum of four of the five three member vote of the whole city council in a regular city council meeting. The city council may remove the city manager by a three-member vote, subject, however, to the provisions of Sections 2.02.230 through 2.02.260 of this chapter. In case of his/her intended removal by the city council, the city manager shall be furnished with a written notice stating the council's intention to remove him/her and the reason therefore at least thirty days before the effective date of his/her removal."~~

SECTION 2: This ordinance will take effect thirty (30) days after the date of its passage and adoption.

SECTION 3: If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held to be invalid or unconstitutional by any court of competent jurisdiction, such decision shall not affect the validity of the remainder of the Ordinance. The Council hereby declares that it would have adopted this Ordinance, and each section, subsection, sentence, clause, phrase or portion hereof, irrespective of that fact that any one or more sections, subsections, sentences, clauses, phrases or portions be declared invalid or unconstitutional.

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SECTION 4. The City Clerk shall certify to the adoption of this Ordinance and shall cause this ordinance, or a summary thereof, to be published as required by law.

PASSED, APPROVED AND ADOPTED this 2nd day of December, 2008.

Louis Fuentes
Mayor

ATTEST:

Lourdes Cordova
City Clerk

APPROVED AS TO FORM:

Jennifer M Lyon, City Attorney

I, Lourdes Cordova, City Clerk of the City of Calexico and ex-officio Clerk of the Council, do hereby certify under penalty of perjury that the foregoing is a true and correct copy of Ordinance No. _____ that was duly and regularly introduced at a regular meeting of said City Council held on _____, 2008 and was adopted by said City Council at a regular meeting held on _____, 2008, by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

Lourdes Cordova, City Clerk